

HOUSE COMMITTEE ON
LABOR

Hearing Room
Tapes - 82

MEMBERS PRESENT:

Rep. John Watt, Chair
Rep. Lee Beyer, Vice-Chair
Rep. Kate Brown
Rep. Chuck Carpenter
Rep. Mike Fahey
Rep. Lynn Snodgrass

MEMBER EXCUSED:

Rep. Lynn Lundquist

STAFF PRESENT:

Aaron Felton, Committee Counsel
Paula Gilmer Purcell, Committee Assistant

MEASURES HEARD:

Public Hearing on House Bill 2706
Work Session on House Bill 2706
Public Hearing on House Bill 2564
Work Session on House Bill 2110
Work Session on House Bill 3045

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

TAPE , SIDE A

05 CHAIR WATT: Brings meeting to order at 1:30p.m.

Opens Public Hearing on House Bill 2706

Witnesses: Ken Kuedell
Fred VanNatta
Don Drewliner
Heide Anderson
Kim Mingo

15 KEN KUEDELL, ADMINISTRATOR, CONSTRUCTION CONTRACTORS BOARD: Testifies in support of House Bill 2706. Provides amendments [EXHIBIT A] to the bill.

49 CHAIR WATT: Ken, does this bill just effect people who build residential homes?

54 KUEDELL: That is backwards, we went from residential to contractor.

56 CHAIR WATT: What is the significance of twelve months to thirty-six months?

58 KUEDELL: It depends on how many homes one builds in a thirty-six month period.

69 This amendment would make us set rules on who is required to have a bond, when they are set and the amounts of the bonds.

85 If someone has an arbitration award they have not paid or have an un-paid judgment against the bond, they cannot register.

120 Continues explaining the amendments to the bill.

134 CHAIR WATT: What is the need for this bill?

138 KUEDELL: There are still people out there that build houses but do not register as a contractor or remodeler.

157 Section three address the addition of arbitration to the process.

160 CHAIR WATT: Do you routinely check on people from out-of-state who register with you?

164 KUEDELL: We do not now, but we would if this bill passes.

166 CHAIR WATT: How would you do that?

169 KUEDELL: If they have the same set up we have, it would be done with a
modem.

194 FRED VANNATTA, OREGON STATE HOME BUILDERS ASSOCIATION: Testifies in
favor of House Bill 2706. Submits amendments to the bill [EXHIBIT B].

218 The amendments that we have proposed are concerning education
requirements.

246 REP. BROWN: Representative Luke says these classes are worthless. What
do you think?

259 VANNATTA: We feel that if the Board looks at what has lead up to the
circumstance, and they feel that classes would help, then yes.

282 DON DREWLINER, OREGON STATE HOME BUILDERS ASSOCIATION: Testifies in
support of House Bill 2706.

315 Continues with testimony.

320 HEIDE ANDERSON, OREGON REMODELERS ASSOCIATION: Testifies in favor of
House Bill 2706. We propose an amendment, lines twenty-six through
twenty-nine, on line twenty-seven should read that such deposits are
recoverable by the party if the party attends the hearing, no matter if
they are the prevailing party or not.

348 We have concerns about the amendments that require a contractor to take
classes.

361 KIM MINGO, ASSOCIATED GENERAL CONTRACTORS: Testifies in favor of House
Bill 2706.

Closes Public Hearing on House Bill 2706

Opens Work Session on House Bill 2706

395 CHAIR WATT: Can you address the amendments?

422 KUEDELL: The education yes, the civil penalties we do that now.

436 CHAIR WATT: Are the amendments timely?

441 KUEDELL: We are doing it now.

446 REP. BROWN: Why not delete the reduction on the fine and make them take
the classes anyway.

461 KUEDELL: All contractors have to take the sixteen hours of class.

TAPE 82, SIDE A

45 CHAIR WATT: Fred, do you agree with that?

59 VANNATTA: That would be consistent with what my folks express.

64 REP. BEYER: Do you object to the recoverability of the deposit?

71 KUEDELL: The language ought to read that the person who pays it should
get the money back. We want them to show up to the class.

82 ANDERSON: I will read the amendment in question.

90 MOTION: REP. BEYER: MOVES the following amendments to House Bill

on page six, line twenty-seven the words "maybe be" deleted and replaced
with the word "is". On line 28 phrase prevailing be deleted and after the
word hearing put a period. The balance of the sentence in that line and
line twenty-nine to be deleted .

98 VOTE: Discussion? hearing none, so ordered.

101 MOTION: REP. BEYER: MOVES House Bill 2706 to be amended
Page four, after line nine add the phrasing submitted by the
Builders Association, [EXHIBIT B].

State Home

as

112 REP. BROWN: The amount seems high, I guess I would encourage it to say
to allow the Board to prescribe the classes instead of reducing the fine.

120 REP. SNODGRASS: What are the fines?

124 KUEDELL: We do not have the authority to require the increased bond
while they are registered. Only if they have expired. So I cannot tell
you that.

133 CHAIR WATT: We are talking about the bond.

135 KUEDELL: The bond could be up to \$50,000.

140 CHAIR WATT: If they were to go through the dispute resolution class,
based on what the violation was?

149 Heidi, if we are talking about dispute resolution that's one thing, but
if you are talking about basic accounting, don't you think it make sense?

157 ANDERSON: These are business practices that the home owner can be

injured by. That would not aid the home owner.

165 To be suspended can injure the home owner.

168 CHAIR WATT: I don't see the home owner healed as a result of this.

171 REP. BROWN: It's punishment verses deterrent.

176 REP. BEYER: The notion is that if someone screws up, the Board can say you can come back in but, we can give you a bond five times higher. But the amendment will give you flexibility for the Board to lower it a little bit if they take the classes.

194 KUEDELL: This would give us additional authority.

199 REP. SNODGRASS: The fact that the home builders brought the second amendment to us, was that because that you are not using it well enough?

213 VOTE: CHAIR WATT: Any objection? hearing none the amendments pass.

215 MOTION: REP. BEYER MOVES House Bill 2706, as amended with a DO PASS recommendation.

VOTE: 6-0 MOTION PASSES
AYE: Beyer, Brown, Carpenter, Fahey, Snodgrass, Watt

235 CHAIR WATT: Representative Repine will carry the bill.

Closes Work Session on House Bill 2706

Opens Public Hearing on House Bill 2564

240 CHAIR WATT: We will stand adjourned until Representative Fisher can come out of his committee.

Closes Public Hearing on House Bill 2564

Open Work Session on House Bill 2110

265 CHRIS APGAR, OREGON DEPARTMENT OF EMPLOYMENT: Testifies on House Bill 2110.

270 DONNA HUNTER, OREGON DEPARTMENT OF EMPLOYMENT: Let me over the amendments.

289 MOTION: REP. BEYER: MOVES the amendments to House Bill 2110.

290 VOTE: Discussion? hearing none, so ordered.

291 MOTION: REP. BEYER: MOVES House Bill 2110 as amended to the a DO PASS recommendation.

310 VOTE: 6-0 MOTION PASSES
AYE: Brown, Carpenter, Fahey, Snodgrass, Beyer, Watt
No: None

315 CHAIR WATT: Rep. Beyer, would you like to carry the bill?

317 REP. BEYER: Yes.

Closes Work Session on House Bill 2110

Opens Public Hearing on House Bill 2564

Witnesses: Representative Bill Fisher
Dell Isham
Robert Burnell

340 REPRESENTATIVE BILL FISHER, SPONSOR OF THE BILL: Testifies in favor of House Bill 2564.

375 Continues with testimony.

395 CHAIR WATT: You mentioned a retirement home, those people are not on the list. Would it be wise to add those people too?

401 REP. FISHER: I would feel uncomfortable speaking for those people.

408 REP. BEYER: Are we talking about a situation when someone lives in the house?

410 REP. FISHER: Yes.

422 REP. BEYER: Do some people come into to this line of work that do not intend to live in the home?

429 REP. FISHER: To my knowledge this is not the case. There are no shifts.

457 REP. FAHEY: Will they make the lower federal minimum wage?

470 REP. FISHER: These people are on duty twenty-four hours where they can do other things such as sleep.

TAPE 81, SIDE B

40 DELL ISHAM, OREGON CARE PROVIDERS ASSOCIATION: Testifies in favor of House Bill 2564. Provides written testimony [EXHIBIT C].

55 REP. FAHEY: If they are working for minimum wage why it would lower it?

Suppose somebody only works eight or ten hours, why would it be less than the state?

60 ISHAM: We are attempting to provide people with salaries rather than the traditional pay per hour because the wage and hour laws are inconsistent with the way adult foster homes operate.

100 Continues with testimony.

126 REP. BEYER: Are talking about people who are a salary not hourly?

128 ROBERT BURNELL, OREGON CARE PROVIDERS ASSOCIATION: Testifies in favor of House Bill 2564 with written testimony [EXHIBIT D]. We are talking about a broad range of the spectrum.

139 REP. BEYER: Are any hourly?

140 BRUNNEL: Yes.

141 REP. BEYER: Would we get at most of what you want if we just spoke to those on salary?

143 ISHAM: Yes.

160 REP. BROWN: Are these homes also for disabled people?

162 ISHAM: It is not restricted to seniors but most of the people would be seniors.

165 REP. BROWN: How much do you get for one senior?

166 BURNELL: The rate runs from \$1,500 to \$2,000 a month.

177 REP. BROWN: Do some workers not get eight hours a night sleep?

180 BURNELL: I cannot speak to that.

187 REP. FAHEY: What about those who work in your own home?

190 BRUNNEL: That is not an adult foster home.

197 Gives prepared testimony.

Closes Public Hearing on House Bill 2110

Opens Work Session on Hue Bill 3045

279 PATRICIA KRUMM, PRESIDENT OF THE STATE BOARD OF NURSING: Speaks to House Bill 3045. Provides written testimony [EXHIBIT E].

318 Let me go over the testimony that I have presented to the committee.

334 We believe that this is unnecessary legislation.

350 CHAIR WATT: Why would it create an nightmare to regulate?

357 KRUMM: It would be hard for the Board to sort these issues out.

379 Continues with testimony.

399 CHAIR WATT: Please explain how the people who sponsored this legislation can work on this in other ways.

405 KRUMM: We have several committees. Let me explain how they work.

456 CHAIR WATT: How many people on each committees?

463 KRUMM: I will list the committees and the number of members on the committees.

TAPE 82, SIDE B

54 KRUMM: Continues to explain the committees.

73 REP. BEYER: You do not have anyone that represents the providers like the Oregon Medical Association?

81 KRUMM: Explains what organizations represent the hospitals.

91 Continues with testimony.

113 CHAIR WATT: Give us idea to why a phlebotomist can draw blood but a Certified Nursing Assistants cannot.

115 KRUMM: Yes that was looked at. The CNA's training is very short and there is a limited range of nursing care tasks that can be taught in that length of time.

128 CHAIR WATT: Do the CNA's have continuing education

130 KRUMM: Responds.

134 REP. BROWN: Are you upset about adding public people to the Board?

139 KRUMM: We would be interested, but we do not think this legislation is
the arena to do that.

146 REP. BROWN: On page one the bill there is a definition of patient care,
would any of that be included in nursing care?

154 KRUMM: I would consider this under nursing care. Patient care is a
piece of nursing care.

161 REP. BEYER: Other professionals also deliver patient care.

165 KRUMM: Yes, you are correct.

169 JOHN HAKANSON, MEMBER OF THE STATE BOARD OF NURSING: Testifies against
House Bill 3045. Provides written testimony [EXHIBIT F].

189 More assistive health care providers will be used and we have been
talking about this in our committees.

204 CHAIR WATT: I agree with you sir.

229 JULIE FONTANILLA, REGISTERED NURSE: Testifies against House Bill 3045.
Provides written testimony [EXHIBIT G].

235 ED PATTERSON, OREGON HOSPITAL ASSOCIATION: Testifies in favor of House
Bill 3045. Provides amendments [EXHIBIT H].

250 LINDA ELLIS, NURSING SUPERVISOR: Testifies in favor of House Bill 3045.
Goes over the amendments to the bill.

300 Continues with testimony.

320 CHAIR WATT: The Board stated that they do not do institutional
management, could you respond to that?

325 ELLIS: They have not done a lot of that in the past. But we are mostly
concerned about their new language in division forty-five that they just
put in the past three months. We believe that it will give them broad
authority to step in to institutional management.

338 The task forces are totally bogged down.

353 REP. BEYER: Can you expand on the disagreement.

355 ELLIS: The Board feels the ceiling on the CNA's duties is the list.

377 REP. BEYER: Do the agencies that use CNA's feel the CNA list should be
expanded?

380 ELLIS: Yes.

391 CHAIR WATT: I would like to set up a work group with Linda Ellis and
Patricia Krumm.

Closes Work Session on House Bill 3045

400 CHAIR WATT: The meeting stands adjourned
Submitted by, Reviewed by,

| | |
|----------------------|-------------------|
| Paula Gilmer Purcell | Aaron Felton |
| Committee Assistant | Committee Counsel |

EXHIBIT SUMMARY:

A - Testimony on House Bill 2706, submitted by Ken Keudell

B - Testimony on House Bill 2706, submitted by Fred VanNatta

C- Testimony on House Bill 2564, submitted by Dell Isham

D - Testimony on House Bill 2564, submitted by Robert Burnell

E - Testimony on House Bill 3045, submitted by Patricia Krumm

F - Testimony on House Bill 3045, submitted by John Hakason

G - Testimony on House Bill 3045, submitted by Julia Fontanilla

H - Testimony on House Bill 3045, submitted by Ed Patterson

I - Testimony on House Bill 3045, submitted by Jane Lesser

